

**Town of Nolensville
Planning Commission Meeting
Regular Meeting
May 11, 2006
7:00 P.M.
At Nolensville Elementary School**

Members in attendance were as follows: Matt Happel, Jimmy Alexander, Larry Gardner, Frank Wilson, Willis Wells, Tommy Dugger, Bob Haines and John Boyd. Rick Fisher was absent.

Staff present was Henry Laird, Richard Woodroof, Bob Notestine, and Angela Douglas.

Agenda Item I- Meeting called to order by Willis Wells

Agenda Item II- Pledge of Allegiance

Agenda Item III- Approval of Minutes

Matt Happel made a motion to approve the minutes. Mayor Dugger seconded the motion; motion approved unanimously.

Agenda Item IV- Citizen Comments

There were no citizen comments.

Agenda Item V- New Business

A. Site Plan Reviews

1. BCI Building Site Plan, Haley Industrial Park

Rich Woodroof stated that the site plan submitted by Spoon Architecture for Lot 14-A in Phase 2 reflected a proposal for a 7,500 square foot one-story building. He stated that this phase will have a detention pond, but at this time the pond has not been established and is of concern to him, but did comment that the bonds were in place. He recommended that no Certificates of Occupancy be issued until the pond has been established. He also mentioned that any other site plans that are submitted for the phase might potentially be deferred until pond completion. Staff also noted that the 5' planting strip between the building and the sidewalk needs to be added.

Larry Gardner made a motion to approve with the conditions that no Certificate of Occupancies be issued until the detention pond is established and that the 5' planting strip between the building and the sidewalk be added. John Boyd seconded the motion; motion passed unanimously.

B. Subdivision Reviews

1. Burkitt Place Phase 2 Preliminary Plat

Rich Woodroof stated that this plat reflects 69 lots with the smallest lot being 8,400 square feet to the largest lot being 12,000 square feet. This plan was previously approved in the county and has been annexed by the Town Of Nolensville.

Mayor Dugger made a motion for approval. Jimmy Alexander seconded the motion; motion passed unanimously.

2. Bent Creek Phase 2 Section 2, Final Plat

Rich Woodroof stated that there are 11 lots on this plat with the smallest lot being 7,405 square feet and the largest being 12,632. The average lot size is a little over 8,200 square feet. He commented that with this particular plat we are accepting 5' easements on corner lots, but in the future phases will see 10' easements. Rich recommended that a performance bond be set at \$42,000.

Jimmy Alexander made a motion to approve with the performance bond being set at \$42,000. Matt Happel seconded the motion; motion passed with 7 for and John Boyd recusing himself.

3. The Reserve at Bent Creek, Final Plat

Rich Woodroof stated that the final plat for the Reserve has 41 lots but that there is question regarding a graveyard near the south end of the project on lots 22 and 23. Staff recommends that those lots be removed until the issue has been resolved. He also commented that 16 of the remaining 39 lots have side entry garages and the lot sizes range from 11,160 square feet to 24,118 square feet. He suggested that the bond be set at \$195,000.

Bob Notestine asked Eric McNeely what the State Archeologist recommended, and he stated that it was determined by the archeologist that the graves were in fact at the rear of lots 22 and 23. It was recommended that their surveyor field locate the head stones and have them put on a map. It would then need to go to Chancery Court and be presented before the judge for permission to relocate the graves. Eric stated he would be contacting Mary Batey to determine if they are any of her family members as she has a cemetery on her property.

Bob Notestine commented also that in the event that graves are found on any other lots that those lots not be issued building permits until the graves are removed through the proper legal process.

Jimmy Alexander questioned whether the berm that was to be constructed per an agreement between the developer and an adjacent property owner was completed to the property owner's satisfaction, and Eric responded that the owner indicated the berm needed to be higher, and that they are bringing in more topsoil to meet the owners request and will be installing landscaping.

Willis Wells made a motion to approve with a performance bond being set at \$195,000, lots 22 and 23 being removed from the plat and renumbered, and if any additional graves are found on other lots that building permits would not be issued until properly removed. Bob Haines seconded the motion; motion passed with (5) Frank Wilson, John Boyd, Willis Wells, Mayor Dugger and Jimmy Alexander for, and Bob Haines and Larry Gardner against. Matt Happel abstained.

C. Zoning Amendment Considerations

1. P.U.D. standards revision to revise lot sizes, open space minimum, setbacks, and other criteria

Amendments to the Planned Unit Development standards were proposed by Jimmy Alexander and another proposal by Larry Gardner.

Jimmy Alexander proposed to have the minimum lot size reflected as a 14,000 minimum and 20% open space with the following conditions:

- Front building setbacks 30' from r-o-w
- Minimum side or rear garages: 70%
- Front loaded garage facings must be set back a minimum 3' from front building façade
- Sideyard setbacks to average 20' minimum between adjacent houses; minimum 5' on one lot side

Larry Gardner proposed to have the minimum lot size reflected as an 11,000 minimum and 25% open space with the same conditions as Commissioner Alexander proposed, but with an additional condition to have maximum developable lots at 3 per acre (excluding infrastructure and open space).

Rich Woodroof also suggested a condition that corner lots have two setbacks.

After much discussion, Willis Wells made a motion to approve the proposal presented by Jimmy Alexander with the conditions for front building setbacks 30' from r-o-w, minimum side or rear garages at 70%, front loaded garage facings must be set back a minimum 3' from front building façade, and sideyard setbacks to average 20' minimum between adjacent houses, minimum 5' on one lot side, and to add a condition that corner lots have two front set backs. Jimmy Alexander seconded the motion; motion died 4/4 with Frank Wilson, Mayor Dugger, Willis Wells and Jimmy Alexander for, and John Boyd, Matt Happel, Bob Haines and Larry Gardner against.

Bob Haines made a motion to approve the proposal and conditions presented by Larry Gardner. Matt Happel withdrew his second.

Due to no decisions being reached after discussion, Bob Haines withdrew the motion. Matt Happel seconded the motion to withdraw. Neither proposal was approved.

Larry Gardner made a motion to approve the following conditions as discussed to be added as policy for P.U.D.'s:

- Front building setbacks 30' from r-o-w
- Minimum side or rear garages: 70%
- Front loaded garage facings must be set back a minimum 3' from front building façade
- Sideyard setbacks to average 20' minimum between adjacent houses; minimum 5' on one lot side
- Corner lots must have two set backs

There was no decision made on the lot sizes and open space and will be discussed further at a later date.

John Boyd seconded the motion; motion passed unanimously.

2. Consideration of changes regarding legally non-conforming use expansions

Henry Laird suggested that the Planning Commission consider making an amendment to zoning to allow expansion of legally non-conforming use if the use is considered less intensive than previous use and will be more compatible with surrounding land uses than the existing nonconforming use, if the existing owner has sufficient land available for such

expansion, and the expansion is reasonably necessary as determined by the Board of Zoning Appeals. This would make our ordinance more in line with state law and allow for some site improvements that wouldn't otherwise be allowable, particularly in the northern strip along Nolensville Road where some non-residential uses already exist in the SR zone.

Due to no objections to making the amendment, it was determined that Henry would make a draft for the change in the zoning ordinance.

Agenda Item VI- Old Business

A. Nolen Park Final Plat Amendments

Bob Notestine stated that staff noted at the last Planning Commission meeting the final plat for Nolen Park was approved, but the conditions for the addresses to be added, PUD conditions from ordinance 4-16 to apply, the front entry driveway to reflect a 12 foot minimum, and the performance bonds be set at \$330,000 for infrastructure and \$40,000 for landscaping, or one performance bond for \$370,000 were not added to the motion.

Willis Wells made a motion to approve with the conditions above. Jimmy Alexander seconded the motion; motion passed unanimously.

B. Subdivision Regulation Revision Approval:

Street light responsibility and standards

Non-subdivision roadway cross-section

Henry Laird stated that at the last Planning Commission meeting a public hearing was held for the street light responsibility and standards in Section 5.9.2 a and c and Section 5.13, and for the non-subdivision roadway cross-section with change from 10ft to 12 ft. At that time, a motion was not made.

Mayor Dugger made a motion to approve the street light responsibility be that of the Homeowner's Association, and that if the light fixture style is no longer available, an equivalent component can be substituted with Planning Commission or Town written approval. Bob Haines seconded the motion; motion passed unanimously.

Larry Gardner made a motion to accept the non-subdivision roadway cross section with the change from 10ft to 12ft lane widths. Frank Wilson seconded the motion; motion passed unanimously.

Agenda Item VII- Other Business

A. Monthly Bond Report

Rich Woodroof stated that the next bond due to expire is for Bent Creek Phase 1 Section 4B on July 12, 2006. He stated that the current bond amount is \$4,467,269.40. He commented that we did reflect a higher bond amount, but Williamson County had the Town of Nolensville reflected as beneficiary for water and sewer bonds which should have gone to Metro and Nolensville College Grove Utility. Those bonds have now been sent to the appropriate parties and removed from our report.

Willis Wells made a motion to approve the monthly bond report. Bob Haines seconded the motion; motion passed unanimously.

B. Notification of Minor Plat Revision:

Bent Creek Phase 2, Sec. 4 Lots 2416 & 2420

Henry Laird reported that staff approved a minor resubdivision for Bent Creek Phase 2, Section 5 lots 2416 & 2420 to allow for 5' easements for that particular phase.

C. Design Review Committee

Henry Laird made an announcement per Beth Lothers request to notify the Planning Commission that the Design Review Committee will be meeting on Thursday, May 18th, at 9:00 a.m. at the Town Hall.

D. Haley Industrial Park Food Distribution Center

Jim Haley has contacted Town Hall to discuss the opportunity for bringing a Food Distribution Center to the Town of Nolensville in the Haley Industrial Park. It was decided to have a workshop at the Town Hall on May 23rd at 6:00 with the Board of Mayor and Alderman and Planning Commission to discuss it further.

Agenda Item VIII- Adjournment

Being no further business to come before the Planning Commission the meeting was adjourned at 8:30 P.M.

Larry Gardner
Secretary for the Planning Commission

Date